

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

,MARQUA MCCOY, #711561

Plaintiff,

File no: 2:23-cv-48

v.

HON. ROBERT J. JONKER

TODD BASTIAN, et al.,

Defendants.

**ORDER APPROVING MAGISTRATE'S
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on October 12, 2023 (ECF No. 25). The Report and Recommendation was mailed to Plaintiff on October 13, 2023. The mailing was returned to the Court with the notation, "Prisoner was a No Show." After verifying Plaintiff was still at Lakeland Correctional Facility, the Report and Recommendation was re-mailed on October 26, 2023. Thus, the Report and Recommendation was duly served on the parties. While no objections were filed under 28 U.S.C. § 636(b)(1)(C), the Plaintiff did file a motion for appointment of counsel on November 13, 2023 (ECF No. 28).

IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (ECF No. 25) is approved and adopted as the opinion of the Court.

IT IS FURTHER ORDERED that the motion to dismiss filed by Defendants Haynie and Stromer (ECF No. 20) is **GRANTED**, and these Defendants are terminated from the case.

IT IS FURTHER ORDERED that this matter shall proceed on Plaintiff's retaliation claims against Defendants Bastian, Coronado and Holley.

IT IS FURTHER ORDERED that Plaintiff's motion for appointment of counsel is again denied for the reasons stated in the Court's previous order of denial entered April 17, 2023.

Dated: November 17, 2023

/s/ Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE